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Held at Headquarters, New York, on Monday, 24 October 2005, at 10 a.m.

Chairman:	Mr. Butagira	(Uganda)
later:	Ms. Carvalho (Vice-Chairman)	(Portugal)
later:	Mr. Butagira	(Uganda)

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The meeting was called to order at 10.10 a.m.

Agenda item 68: Indigenous issues (continued)

Draft resolution A/C.3/60/L.23: Programme of action for the Second International Decade of the World's Indigenous People

1. **Ms. Tincopa** (Peru), introducing the draft resolution on behalf of the original sponsors as well as Argentina and Paraguay, said that the draft resolution was aimed at implementing the programme of action for the Second International Decade of the World's Indigenous People, whose five key objectives would help to address the problems facing indigenous peoples.

Agenda item 71: Human rights questions (A/60/40, 44, 129, 156, 192 and 409/Add.2 (Part I))

(a) Implementation of human rights instruments (A/60/45, 215, 220, 273, 278, 284, 336, 338 and 351)

2. **Mr. Ndiaye** (Director, New York Office of the United Nations High Commissioner for Human Rights), said that the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/60/284) provided information on the number of States which had ratified or acceded to those instruments, as well as information on the measures concerned during the reporting period by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee.

3. The annual report of the Human Rights Committee (A/60/40), covering the period from 1 August 2004 to 31 July 2005, considered 14 periodic reports and one country situation in the absence of a State party report. The Committee had noted with appreciation that the majority of States parties had provided follow-up information.

4. Under its individual complaints procedure, the Committee had adopted 27 views on communications, declaring three communications admissible and 36 inadmissible. The consideration of seven communications had been discontinued. A total of 112 communications had been registered and, by the end of the eighty-fourth session, a total of 127 communications were pending. The Committee had continued to seek to ensure the implementation of its views through the Special Rapporteur for Follow-Up on Views.

5. The annual report of the Committee against Torture (A/60/44) included reports on its thirty-third and thirty-fourth sessions, during which the Committee had considered the reports of nine States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had taken decisions on 17 individual complaints. It had also adopted guidelines for the submission of initial reports by States parties under article 19 of the Convention. The Secretary-General's report on the status of the Convention (A/60/220) indicated that 139 States had accepted the Convention and ten had ratified its Optional Protocol. Since the submission of that report, three additional States had ratified the Optional Protocol, which would come into force following its ratification by 20 States parties.

6. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/60/215) provided information on the recommendations adopted by the Board of Trustees at its twenty-first and twenty-fourth sessions, especially on the new funding cycle, as well as information on other recommendations to the Office of Internal Oversight Services (OIOS).

7. The report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/60/273) contained an overview of the financial status and activities of the Fund. At its tenth session, the Board of Trustees had recommended funding 29 projects in 15 countries in order to extend humanitarian, legal and financial aid to individuals whose human rights had been severely violated as a result of contemporary forms of slavery.

8. The report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/60/48) covered its second session, at which it had adopted provisional guidelines for the submission of initial reports by States parties and had determined its methods of work when considering those reports.

9. The report of the chairpersons of the human rights treaty bodies on their seventeenth meeting (A/60/278) provided information on their reports on

developments in the work of treaty bodies. Further efforts had been made to develop common working methods, including follow-up procedures, interaction with specialized agencies and NGOs, and approaches to the submission of overdue reports. A comparative analysis of the working methods of the seven treaty bodies had been presented to the fourth inter-committee meeting. The report also contained a statement by the United Nations High Commissioner for Human Rights on her Plan of Action (A/59/2005/Add.3) and, in particular, her commitment to develop proposals for a unified, standing treaty body to integrate the monitoring functions of the seven current treaty bodies. Wide-scale consultations were under way on those proposals.

10. The report of the United Nations High Commissioner for Human Rights on equitable geographical distribution in the membership of the human rights treaty bodies (A/60/331) presented a statistical analysis of the individuals elected to the treaty bodies since 1970 by regional group. The report had been prepared further to General Assembly resolution 59/181.

11. **Mr. Takase** (Japan) said that his Government had become a party to all six of the core human rights treaties. However, every country needed to guarantee that the rights described in those treaties were actually being respected and exercised. The reporting system was essential to the implementation of human rights, as it enabled the Committee to monitor a State party's fulfilment of its obligations and provided an opportunity for periodic dialogue between Governments and Committees and with civil society. However, the current reporting system needed to be changed in order to eliminate duplication of information contained in the reports, delays in submission, and the backlog of reports awaiting consideration by the Committee.

12. Japan appreciated the ongoing efforts to improve the effectiveness of the treaty bodies by coordinating the working methods of the Committees and streamlining the reporting system, especially the development of guidelines on expanding core documents. However, his delegation wished to recall that the guidelines should in no way place additional obligations on State parties.

13. Given that the existing seven treaty bodies had a combined membership of 155 and that other human rights treaties would likely be drafted in the future, drastic long-term reform was needed to maximize the efficiency of the current system. Japan was looking forward to the concept paper being prepared by the High Commissioner for Human Rights and would continue to support the human rights treaty bodies in every way possible.

14. **Mr. Wibisono** (Indonesia), speaking as Chairperson of the Commission on Human Rights, said that the sixty-first session of the Commission had brought together some 4,000 participants in 150 public and private events, including meetings by NGOs, Governments and national human rights institutions. The constructive tone of the deliberations at the sixty-first session had led to the adoption of more resolutions and decisions by consensus. The Commission had adopted 87 resolutions, 18 decisions and 4 statements by Chairpersons. It had also established several new special procedures and had extended some mandates.

15. The sixty-first session had seen an increased recognition of the linkages between international humanitarian law and international human rights law. One such example was its adoption of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which would be put before the General Assembly for consideration later in the year. The Commission had also endorsed a number of decisions by the Sub-Commission on the Promotion and Protection of Human Rights, including the appointment of Special Rapporteurs to prepare studies on issues of non-discrimination.

16. The work of the Commission was complemented by a growing programme of intersessional working groups, several of which played a vital role in setting human rights standards. The Expanded Bureau had met regularly since the end of the annual session to discuss matters such as the organization of working group meetings and the appointment of special procedures mandate holders. The special procedures system was an important part of the United Nations human rights mechanisms for the effective promotion and protection of human rights.

17. The sixty-first session had shown that the Commission could take steps to address its challenges and that it was possible, with the good will of all its

held discussions on human rights issues and reform in an atmosphere of cooperation that was conducive to progress. During the session there had also been an informal discussion of the reform of the United Nations human rights machinery and in June 2005 informal consultations had been held on the human rights recommendations contained in the report of the Secretary-General.

18. The debate at the sixty-first session of the Commission on Human Rights had continued to demonstrate that importance of having an intergovernmental forum for different stakeholders to exchange views and contribute to the promotion and protection of human rights worldwide. He hoped that the positive elements of the Commission would be taken into account in the creation of and transition to a Human Rights Council. A strengthened forum would enable the international community to continue building on the many achievements of the Commission.

19. **Ms. Tian Ni** (China) said that China was a party to 25 international human rights instruments and was actively considering ratifying the International Covenant on Civil and Political Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Her Government had made serious efforts, through legislative, judicial and administrative measures, to implement the international human rights instruments to which China was a State party. China had submitted its initial report under the International Covenant on Economic, Social and Cultural Rights, two reports under the International Convention on the Elimination of All Forms of Racial Discrimination, six reports under the Convention on the Elimination of All Forms of Discrimination against Women, three reports under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, two reports under the Convention on the Rights of the Child, and an initial report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. China was currently compiling its fourth and fifth consolidated report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

20. China maintained an open dialogue and communication with the human rights treaty bodies and had on several occasions invited experts and members of the relevant committees to visit China. Her Government had also assisted the Hong Kong and Macao Special Administrative Regions to fulfil their treaty obligations.

21. The current reporting system was too complex and imposed an excessive burden on countries, especially developing countries. China took note of the recommendations to address the situation in the report of the Secretary-General on the strengthening of the United Nations (A/57/387) and commended those concerned. At the same time, reform measures should avoid adding even more complicated and cumbersome requirements for Member States. The reporting system should be streamlined to enhance efficiency. More time should be allowed between reports under some Conventions and, except when there was a special need, it would not be necessary to establish new human rights treaty bodies.

22. The consideration of the implementation reports of States parties by human rights treaty bodies was an exchange of views on an equal footing, following the principle of objectivity and fairness. Constructive dialogue should be conducted in a spirit of cooperation. Any conclusions and criticisms against Governments of States parties based on assessments that were groundless or not grounded facts must be avoided. Information from external sources should therefore be treated with caution and conclusions and recommendations should take into account the actual circumstances of countries.

23. **Mrs. Nadav Morduchi** (Israel) said that some developed countries were not interested in promoting and protecting human rights in a spirit of dialogue and with due respect for the principles enshrined in the United Nations Charter, but were more concerned to serve their own geopolitical interests. They continued to denounce others while remaining silent about their own human rights violations. Moreover, their objective in seeking to reform the human rights machinery was to strengthen their self-assigned role as supervisors and to legitimize their pursuit of promotion and military domination. Many of them were opposed to efforts to achieve world peace since they had no desire to lose control of the world's natural resources or to allow them to exercise fully their right to self-determination. Those who sought moral justice were defamed and every possible means, including terrorism, was used to prevent free speech. They were always the aggressors, never the victims, and they used any pretext to take

advantage of their military power in order to dominate the countries of the South.

24. The Third World countries, for their part, were impeded from exercising the right to development by being denied access to the market and to new technologies, while being burdened by huge debt. As a result, 1.2 billion persons in the world would be unable to escape absolute poverty. In Cuba, however, the people had gained control of its fate through a revolutionary process. It had built its own political systems and social system based on effective democratic participation, which had allowed all its citizens without distinction to enjoy their full human rights. The hardships that they nevertheless suffered were due to the economic, commercial and financial blockade imposed by the United States.

25. She stressed that the reason for such aggressiveness towards her country was fear of the Cuban example, which showed that it was possible to build a just and caring society. Since the revolution there had been no evidence of a single extrajudicial execution or of a single missing person. Nor were those held in Cuban prisons ever harassed or tortured. Yet the current United States Administration continued its efforts to put an end to the independence of Cuba and to destroy Cuban society. She concluded by saying that cooperation in the field of human rights could not be strengthened unless there was genuine political will for dialogue and mutual respect between the North and the South, unmarred by double standards.

26. **Mr. Ritter** (Liechtenstein), stressed the significance of the two recent decisions to double the resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR) over the next five years and to set up a Human Rights Council. He welcomed the commitment expressed in the Summit Outcome to strengthen the treaty body system, which had been growing ever less effective. The reporting process, which was the basis for the essential ongoing dialogue between States parties and treaty bodies, should be improved, in particular through more focused reporting and increased country-level engagement by OHCHR. By providing assistance not only in the reporting process but also in the follow-up, OHCHR would help ensure that the treaty bodies received accurate and relevant information from countries and would enable them to formulate concluding observations that could be implemented at domestic level.

27. While the basic problems of the treaty body system could be remedied through procedural, streamlining measures, an enhanced OHCHR would help to build reporting capacity, while country visits by members of treaty bodies would facilitate the establishment of dialogue between the State party and the treaty body.

28. The proposed creation not only of a unified system but also of a permanent unified treaty body might run the risk of losing the focus of conventions on specific rights. However, the creation of a single treaty body to monitor the implementation of the two human rights Covenants would be an expression of the indivisibility and interdependence of all human rights and merited further consideration.

29. **Mr. Weremа** (United Republic of Tanzania) said that his Government was undertaking legal reforms to achieve social justice, equality and the rule of law through competent and accessible legal services for the poor and disadvantaged. A comprehensive approach would be taken to enhancing the observance of human rights and international HIV/AIDS standards of human rights, reducing the abuse of power, eliminating gender discrimination and strengthening the administrative justice system of the country.

30. His Government had launched a programme to raise awareness about human rights among public servants and law enforcement bodies. A national commission on human rights and good governance had been entrusted with building the capacity of non-governmental organizations to monitor and report on human rights abuses.

31. His Government had also enacted a national strategy to reduce corruption, including through the simplification of administrative procedures. It had also taken steps to empower civil society in making it more aware of its rights, through, inter alia, translating documents into Swahili, disseminating booklets and posters and creating a mechanism for lodging complaints against corrupt officials. The President regularly informed the public about steps the Government had taken through his office and the media and virtually every ministry had a senior public relations officer.

32. The reports to treaty bodies remained the central element in monitoring full and effective implementation of human rights standards. His delegation affirmed its commitment to meet its

reporting obligations under various United Nations instruments and looked forward to the completion of drafting guidelines for an expanded core document that would facilitate reporting by allowing States to report on the implementation of human rights norms in a unified document. Assistance was needed to help developing countries like Tanzania to fulfil requests for disaggregated data and meet compliance requirements. His delegation therefore called on Member States to help to strengthen the capacity of national Governments to work with treaty bodies and urged the treaty bodies to explore alternative working methods to shorten the time elapsed between the submission of a report and its consideration by a given Committee.

33. His delegation also urged Member States to redress the underrepresentation of women in treaty bodies. Lastly, his Government reiterated its support for the Office of the High Commissioner for Human Rights and looked forward to the successful establishment of a Human Rights Council.

34. **Mr. Labbé** (Chile) referred to the reaffirmation in the Summit Outcome that human rights were universal, indivisible, interrelated, interdependent and mutually reinforcing and should be treated in a fair and equal manner, on the same footing and with the same emphasis, and that States were responsible for their promotion and protection. The decision to set up a Human Rights Council was a key part of United Nations reform; human rights should be mainstreamed and their promotion and protection should be integrated into national policies.

35. The findings of the seventeenth meeting of the chairpersons of the human rights treaty bodies would enable them to improve their functioning. Reporting procedures would gain by being streamlined and the time lag between the submission of reports and their examination by the committees concerned should be reduced. In addition, it was important to continue to examine the links between human security and human rights, particularly since security, development and human rights were the three pillars of the United Nations.

36. Chile actively contributed to international efforts to promote human rights, whose progressive development it supported, as it did the adoption of new international instruments for the enhanced protection of human dignity. At the domestic level, and after a period that had seen the massive violation of human rights in the country, the concern was a paramount one for Chileans, as reflected since as the 1990s in the setting up of a National Truth and Reconciliation Commission and the establishment of channels for dialogue between civil society and the military, leading to a report on torture. Following that report, the Government had recently submitted a proposal to the National Congress for the creation of an Institute of Human Rights.

37. His country had proposed Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted first by the Commission on Human Rights and then by the Economic and Social Council. The final text, which did not create any new obligations and offered broad scope for its application, could serve as a useful tool for assisting the victims of such violations.

38. **Mr. Shin Kak-soo** (Republic of Korea) expressed support for the idea of an expanded core document rationalizing reporting obligations. States would find it easier to fulfil their obligations. A technical working group might be established to ensure the integrity of the reports.

39. The envisaged periodic review of the Human Rights Council should not overlap with or duplicate the work of existing treaty bodies; rather, the two mechanisms should be mutually reinforcing. The establishment of the Human Rights Council was closely linked with the reform of the treaty bodies and the harmonization of their work.

40. He expressed concern about the backlog of reports and persistent non-reporting and support for a two-chamber system for other treaty bodies like that adopted by the Committee on the Rights of the Child. The Republic of Korea had accordingly supported a resolution to that end in respect of the Committee on the Elimination of Discrimination against Women.

41. Harmonization of the reporting system and the provision of technical assistance would encourage States parties to comply punctually with their reporting obligations, thus reducing the backlog and leading to more meaningful follow-up. The number of country-specific recommendations should be increased in order to narrow the gap between recommendations and their implementation at national level, while the treaty bodies should monitor the records of their

implementation and publish them regularly in their reports. The establishment of a unified, standing treaty body also merited consideration.

42. **Mr. Sin Son Chol** (Democratic People's Republic of Korea) said that his Government had submitted reports on the implementation of four human rights instruments since 2000. Various national laws had been amended or supplemented as a result and the minimum age for the death penalty had been raised to 18 years of age. In addition, a delegation from the United Nations Committee on the Rights of the Child had visited the country in 2004.

43. Treaty bodies would obtain greater support and cooperation from States parties if they expedited consideration of reports so that States would have the usual four or five years to prepare the next report, instead of only one or two years. In that connection, his Government welcomed the decision of the Committee on the Rights of the Child to set up two groups for the consideration of reports as well as the proposal of the Committee on the Elimination of Discrimination against Women to begin meeting three times a year.

44. Conclusions should be drawn on the basis of dialogues held with the official delegations of the respective States. Concluding observations occasionally made reference to issues that had never been discussed during consideration of the reports, which made it difficult for States to implement the recommendations.

45. **Mr. Barazanji** (Iraq) said that Iraq attached great importance to international human rights instruments and was making efforts to harmonize its domestic human rights legislation with international standards. The Iraqi draft Constitution affirmed Iraq's commitment to those international human rights conventions to which it was already a party, and the Government intended to accede to other relevant regional and international treaties. However, the dissemination of a human rights culture required concerted public awareness efforts. Too many people were unaware of their rights but all too aware of how to deny rights to others. Greater public awareness of human rights and tougher penalties against human rights violators were needed to ensure the fulfilment of the commitments set out in international human rights instruments.

46. Mr. Carvalho (Portugal) took the Chair.

47. **Mr. Limon** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that its members had committed themselves to the promotion of human rights and had acceded to or ratified some or all of the major human rights instruments. Although they recognized that reporting requirements were an important means of monitoring the implementation of such instruments, the process was costly for small states with limited human and financial resources. CARICOM therefore called for increased technical cooperation to assist States in enhancing their reporting capacity or in implementing the recommendations of the treaty bodies.

48. CARICOM emphasized that the fight against terrorism should be conducted in accordance with international humanitarian law and reaffirmed its strong objection to the use of torture and other inhumane or degrading treatment in the name of counter-terrorism. CARICOM welcomed the recent appointment of a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and hoped that the Rapporteur would make concrete recommendations. CARICOM would also welcome an elaboration on the impact of counter-terrorist measures on vulnerable groups such as children and minorities, particularly with regard to their economic, social and cultural rights.

49. Equal attention should be given to the impact of globalization on the full enjoyment of human rights and fundamental freedoms. It was most critical to discover how to use globalization to promote and protect human rights in general and the right to development in particular. A durable solution must be found to the debt problems of developing countries, market opportunities must be found for developing countries, especially small island developing States, and democratizing international financial institutions.

50. CARICOM attached great importance to the regional arrangements that had been put in place for the promotion and protection of human rights and appreciated the fact that the Office of the High Commissioner for Human Rights was cooperating with the Latin American and Caribbean region to strengthen its national capacities.

51. CARICOM favoured a comprehensive reform of the human rights machinery as part of an overall reform of the United Nations to ensure that the

principles of the Charter were being fully respected. The international community needed to create an effective human rights mechanism that retained positive elements of the current mechanism and took into account concerns of selectivity, double standards and politicization. It was also important to address the underlying causes of the eroding credibility and effectiveness of human rights mechanisms.

52. CARICOM reiterated its commitment to the promotion and protection of human rights and fundamental freedoms as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the 1993 Vienna Declaration and Programme of Action and subsequent human rights instruments.

53. **Mr. Southcott** (Australia), also speaking on behalf of Canada and New Zealand, said that the three delegations were strongly committed to strengthening the operation of the United Nations treaty bodies as a concrete way of advancing the promotion and protection of human rights. Their Governments were concerned at the degree of overlap in the work of the Committees and supported the principle of reducing duplication where possible. Canada, New Zealand and Australia had examined the ideas for further reform put forward by the High Commissioner for Human Rights in her plan of action and felt that her proposal for a unified standing treaty body warranted careful consideration.

54. The three Governments had been actively engaged for several years in fostering improvements in the treaty body system, including through workshops on reform which had brought together representatives of 50 countries from different regions, the Office of the High Commissioner for Human Rights, and the treaty bodies themselves. They were pleased that many of the outcomes of those workshops had been made part of the mainstream treaty body reform agenda.

55. Canada, New Zealand and Australia welcomed the call for streamlined reporting procedures and were supportive of the initiative of the Office of the High Commissioner for Human Rights in developing guidelines directed towards harmonizing reporting requirements across the various treaties. The delegations welcomed the regular dialogues with States on working methods and were pleased that the Committees with a backlog of reports awaiting consideration were examining proactive measures to address the problem. They also encouraged the continuation of the practice of sharing lists of issues with States prior to consideration of their reports.

56. There were still many areas where further improvements could be achieved in State and treaty body practices. Committee practices should be harmonized, duplication of information should be reduced, reporting schedules that took into account the capacity of the Committees to consider reports should be established, and the Committees should show consistency and transparency in their dealings with material supplied by non-governmental organizations.

57. The integrity and effectiveness of the treaty body system were also dependent on the calibre of the experts serving on the Committees. States therefore had a responsibility to nominate truly independent experts with the relevant human rights expertise.

58. **Ms. Bendeck** (Honduras) said that her country had ratified the majority of international treaties on the protection and promotion of human rights and had established a national human rights committee to guarantee compliance with the rights and freedoms embodied in the Honduran Constitution and in international conventions and treaties.

59. Globalization had led to the spread of organized crime at both the national and international levels and it was alarming to note that the situation had deteriorated to the point where local authorities often disregarded basic human rights and freedoms. As one of the affected countries, Honduras wished to see greater international cooperation in the fight against transnational crime.

60. Increased poverty, deteriorating family values, unemployment and lack of opportunity for the poorest sectors of society were causing young people to engage in illegal activities or join youth gangs. To help address the problem, the Honduran Government had invited the Special Rapporteur on extrajudicial, summary or arbitrary executions to monitor the situation together with the national authorities. Honduras was successfully implementing the resulting measures and agreements as well as the recommendations contained in the report of the Special Rapporteur.

61. The Honduran Government supported the creation of the Human Rights Council to guarantee the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights,

and all the relevant international instruments. However, it was concerned that, due to scheduling conflicts, the Chairman of the Third Committee would not be able to participate in the negotiations on the creation of that Council. Honduras requested that the Chairman attempt to keep the Committee informed of the progress in the negotiations currently being conducted by the President of the General Assembly, as they directly affected the existence and programme of work of the Third Committee.

62. **Mr. Salgueiro** (Portugal) said that economic, social and cultural rights had not been considered fully-fledged human rights and had been treated with caution or scepticism. Unlike victims of torture, arbitrary detention and violations of the freedom of speech or religion, victims of chronic malnutrition, seriously inadequate health care or a total lack of educational opportunities had no right of petition at the international level.

63. Social and economic rights had become legally binding, however, under many international human rights treaties and regional human rights systems. Furthermore, dozens of constitutions from all regions of the world protected economic, social and cultural rights. Like civil and political rights, economic and social rights must often be backed by legal remedies. There were justiciable elements in most if not all human rights reflected in the Universal Declaration of Human Rights. His delegation hoped that the Commission on Human Rights Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights would close disparities in treatment given to both sets of human rights. The adoption of an optional protocol would give practical meaning to rights defended in the Covenant, which remained illusory for millions of persons in the world.

64. **Ms. Pi** (Uruguay) said that the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and Inter-American Convention on Forced Disappearance of Persons showed the importance which Member States attached to the issue. Such an instrument would serve as an effective weapon for combating the horrendous crime of forced disappearance at the international level.

65. The draft convention specified that the systematic and massive practice of enforced disappearance constituted a crime against humanity. Under the draft convention States must not tolerate forced disappearance, immediately investigate any complaint of forced disappearance, and define forced disappearance in their criminal laws as a separate offence. There was no justification for enforced disappearance including compliance with an order. Her delegation appealed to States to adopt the draft convention at the Commission on Human Rights.

66. Torture was another scourge which must be fought through education and preventive measures as well as punishment and rehabilitation. Her delegation, which had ratified the existing relevant conventions against torture, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture, was supplementing its criminal laws with draft legislation which would define torture as an offence punishable by appropriate penalties that took account of the extreme gravity of the act and provided for the payment of compensation to victims and their families.

67. Lastly, consistent with its commitment to human rights, her Government had established a human rights section within the Ministry of Education and Culture and was taking the necessary steps to create an independent national institution to ensure respect for the human rights of the population.

68. **Ms. Filip** (Inter-Parliamentary Union (IPU)) said that as the work of parliaments, in particular their legislative work, had a direct or indirect impact on the ability of the people to enjoy their fundamental rights, IPU encouraged parliaments to establish entities to deal specifically with human rights. IPU surveys indicated that an increasing number of parliaments had done so since 1993. IPU, the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) had held a seminar for members of such bodies in March 2004, which raised the question of their cooperation with regional and international human rights mechanisms, in particular treaty bodies. The discussions showed that many such bodies had had no relations with the mechanisms, had not been informed of their work by their Governments or by the treaty bodies and, in some cases, had not even been aware of their existence. The same was true for special rapporteurs.

69. The South African parliamentary committee on the rights of the child was a model to be followed. All country reports submitted to the Committee on the Rights of the Child should be presented to it for discussion. It ensured that the reports reflected all points of view, and specifically those of civil society. Members of the parliamentary committee were included in the country's delegation to the sessions of the Committee on the Rights of the Child in order to better understand and ensure implementation of the recommendations put forward by the Committee on the Rights of the Child.

70. All regional and international human rights mechanisms, and especially treaty bodies and special rapporteurs, had much to gain from cooperating more closely with parliamentary human rights bodies or competent parliamentary committees. IPU was working to establish or strengthen such cooperation by regular seminars and publishing handbooks for parliamentarians. IPU and OHCHR had recently published a comprehensive handbook for parliamentarians on human rights.

71. *Mr. Butagira (Uganda), Chairman, resumed the Chair.*

72. **Mr. Buff** (International Committee of the Red Cross (ICRC)) said that great numbers of families were separated in the course of the violence of armed conflict. ICRC had invoked the principles and rules of international humanitarian law to prevent separations. His delegation noted with satisfaction that the agenda for humanitarian action, adopted by the International Conference of the Red Cross and Red Crescent in December 2003, gave prominence to the question of missing persons.

73. ICRC endeavoured to help members of families dispersed by armed conflict to re-establish contact and had, for example, distributed more than 1.3 million messages and identified the whereabouts of more than 6,000 persons for whom tracing requests had been filed by their families.

74. ICRC warmly welcomed the conclusion of the drafting of a convention protecting persons from enforced disappearances and commended the achievements of the Intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance.

75. Everything possible must be done to shed light on the fate of persons reported missing in connection with armed conflict or other situations of violence. Persons deprived of their freedom must be allowed to communicate with their families. No matter how legitimate the grounds for detention, no one had the right to conceal a person's whereabouts, to keep secret whether someone was alive or dead, or to deny that he or she was being detained. Doing so ran counter to the basic tenets of international humanitarian law and human rights law.

76. Preventing enforced disappearances was one of the key aims of ICRC visits to people detained in connection with armed conflict or other situations of violence. ICRC registered the detainees visited so that it could keep track of them individually. It also spoke in private with detainees about their conditions of detention and treatment. For many detainees, these regular visits were the only contact with the outside world.

The meeting rose at 12.50 p.m.